

# UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

United States of America

v.

Michael Dale Smith

Date of Original Judgment: 12/03/2010

Date of Previous Amended Judgment: \_\_\_\_\_

(Use Date of Last Amended Judgment if Any)

Case No: 5:10-CR-49-1FL

USM No: 53152-056

Jonathan W. Trapp

*Defendant's Attorney*

## ORDER REGARDING MOTION FOR SENTENCE REDUCTION PURSUANT TO 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

**IT IS ORDERED** that the motion is:

☒ **DENIED.** ☐ **GRANTED** and the defendant's previously imposed sentence of imprisonment (*as reflected in the last judgment issued*) of \_\_\_\_\_ months **is reduced to** \_\_\_\_\_

Upon review of this case, it has been determined that the defendant was sentenced under the provisions of the Fair Sentencing Act of 2010 and/or the retroactive crack cocaine amendments (Amendment 706 as amended or Amendment 750 Parts A and C). At that time, the Court fully considered the relevance of each applicable provision to the defendant's case and the authorized provisions were applied.

If the amount of time the defendant has already served exceeds this sentence, the sentence is reduced to a "Time Served" sentence, subject to an additional period of up to ten (10) days for administrative purposes of releasing the defendant.

(Complete Parts I and II of Page 2 when motion is granted)

Except as otherwise provided, all provisions of the judgment(s) dated December 3, 2010, shall remain in effect. **IT IS SO ORDERED.**

Order Date: 1 / 24 / 2014



*Judge's signature*

Effective Date: \_\_\_\_\_  
(if different from order date)

Louise W. Flanagan, U.S. District Judge

*Printed name and title*